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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,737	03/18/2004	Juen Tien Peng	MR1035-1431	5321

4586 7590 02/09/2005

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER
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EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/802,737

Applicant(s)

PENG, JUEN TIEN

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 contains the trademark/trade name Velcro. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe hook and loop fasteners and, accordingly, the identification/description is indefinite.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,584,603 to Harrison.

Harrison discloses a seat back display that includes all the limitations recited in claims 1, 2, 9, and 10. Harrison shows a seat back display having a display module 16 (Fig. 2), a protective cover 44 (Fig. 2), a connecting mechanism 46 (Fig. 3) formed between the protective cover and a back 40 (Fig. 2) of a chair, and an edge (Fig. 2) fixedly connected with the back wherein the protective cover is secured to the back by the connecting mechanism thereby shielding the display module, the protective cover is generally equal in size to the display module, and the protective cover is separable from the back.

5. Claims 1, 2, and 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,592,179 B1 to Miyazaki.

Miyazaki discloses a seat back display that includes all the limitations recited in claims 1, 2, and 7-11. Miyazaki shows a seat back display having a display module 4 (Fig. 4), a protective cover 2 (Fig. 1), a connecting mechanism (Fig. 4) formed between the protective cover and a back of a chair, a plurality of buttons (Fig. 4), sticky strips, and/or pieces of hooks and loop fasteners each having one part connecting the back

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and protective cover, and an edge (Fig. 1) fixedly connected with the back wherein the protective cover is secured to the back by the connecting mechanism thereby shielding the display module, the protective cover is generally equal in size to the display module, and the protective cover is separatable from the back.

6. Claims 1, 3-6, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2004/0007906 A1 to Park et al.

Park et al. disclose a seat back display that includes all the limitations recited in claims 1, 3-6, 9, and 10. Park et al. show a seat back display having a display module 42 (Fig. 12), a protective cover 109 (Fig. 13), a connecting mechanism 107 (Fig. 13) formed between the protective cover and a back 26 (Fig. 1) of a chair, a pad 110 (Fig. 15) of the protective cover facing the display module, a zipper 108 (Fig. 15) of the connecting mechanism, and an edge (Fig. 14) fixedly connected with the back wherein the protective cover is secured to the back by the connecting mechanism thereby shielding the display module, the protective cover is slightly larger in size than the display module, and the protective cover is separatable from the back.

7. Claims 1, 3, and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,786,547 B1 to Chu.

Chu discloses a seat back display that includes all the limitations recited in claims 1, 3, and 8-10. Chu shows a seat back display having a display module 20 (Fig. 2), a protective cover 33 (Fig. 2), a connecting mechanism 331 (Fig. 2) formed between the protective cover and a back 10 (Fig. 2) of a chair, an edge (Fig. 2) fixedly connected with the back, and a plurality of sticky strips 301 (Fig. 7) wherein the protective cover is

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secured to the back by the connecting mechanism thereby shielding the display module, the protective cover is slightly larger in size than the display module, and the protective cover is separatable from the back.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seat back displays:

U.S. Pat. No. 4,681,366 to Lobanoff

U.S. Pat. No. 5,720,515 to Haffner

U.S. Publ. No. 2004/0239155 A1 to Fourrey et al.

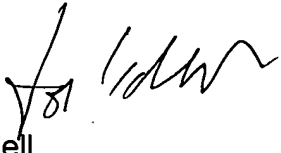
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Joe Edell', with a stylized flourish at the end.

Joe Edell  
February 7, 2005